



# Your Missouri Courts


Search for Cases by: 
[Judicial Links](#) | [eFiling](#) | [Help](#) | [Contact Us](#) | [Print](#)
[GrantedPublicAccess](#) [Logoff KZICKRICK78](#)

21WE-CC00030 - ELIZABETH GARLINGTON VS DEODIS JONES JR, ET AL (E-CASE)

[Case File](#)
[Parties & Attorneys](#)
[Docket Entries](#)
[Charges, Judgments & Sentences](#)
[Service Information](#)
[Filings Due](#)
[Scheduled Hearings & Trials](#)
[Civil Judgments](#)
[Garnishments/Execution](#)

[Click here to eFile on Case](#)

Sort Date Entries: ☒

Descending

☐ Ascending

Display Options:

[Click here to Respond to Selected Documents](#)

- 05/19/2021 ☐ [Order - Special Process Server](#)  
SPS-DANIEL WEBSTER  
**Filed By:** MICHAEL O'BRIEN HENDRICKSON
- 05/10/2021 ☐ **Judge/Clerk - Note**  
PROPOSED ORDER FOR SPS E-MAILED TO JUDGE THIS DATE. VR
- 05/07/2021 ☐ **Note to Clerk eFiling**  
**Filed By:** PHILIP CHARLES DENTON
- ☐ [Summ Req-Circuit Pers Serv](#)  
Request for Appointment of Process Server; Order for Process Server.  
**Filed By:** PHILIP CHARLES DENTON  
**On Behalf Of:** ELIZABETH GARLINGTON
- 05/05/2021 ☐ [Summons Issued-Circuit](#)  
Document ID: 21-SMOS-16, for ASF INTERMODAL, LLC..
- ☐ [Summons Issued-Circuit](#)  
Document ID: 21-SMOS-15, for JONES, DEODIS.
- 05/04/2021 ☐ **Filing Info Sheet eFiling**  
**Filed By:** PHILIP CHARLES DENTON
- ☐ **Note to Clerk eFiling**  
**Filed By:** PHILIP CHARLES DENTON
- ☐ [Pet Filed in Circuit Ct](#)  
Petition Count I and II; Confidential Case Filing Information Sheet.  
**Filed By:** PHILIP CHARLES DENTON  
**On Behalf Of:** ELIZABETH GARLINGTON
- ☐ **Judge Assigned**



IN THE CIRCUIT COURT OF WEBSTER COUNTY  
STATE OF MISSOURI

ELIZABETH GARLINGTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Cause No.
	)	
DEODIS JONES Jr.	)	
Serve at:	)	
1407 Gail Ln.	)	
West Memphis, Arkansas 72301	)	
	)	
ASF INTERMODAL, LLC	)	
Serve at: Registered Agent and Office	)	
Joseph M. Smith	)	
3812 Spring Hill Avenue	)	
Mobile, Alabama 36608	)	
	)	
Defendants.	)	

**COUNT I**

COME NOW, Plaintiff, Elizabeth Garlington, by and through counsel and for her cause of actions against the Defendant Deodis Jones Jr., states as follows:

1. Plaintiff, Elizabeth Garlington, on or about August 15, 2017, while operating a motor vehicle in Webster County, Missouri, on State Highway 60, was injured in a rear end motor vehicle collision wherein Plaintiff Elizabeth Garlington's vehicle was rear ended by a 18 wheeler truck, operated by the Defendant Deodis Jones Jr.
2. At all times pertinent at the time of the aforesaid collision, State Highway 60 is an open and public highway in the State of Missouri.

3. At all times pertinent to this lawsuit, Defendant Deodis Jones Jr., was an employee, agent, and servant of and acted within the scope and course of employment, agency, and servancy, of the Defendant ASF Intermodal, LLC.
4. Defendant ASF Intermodal, LLC is a Limited Liability Company registered in the State of Alabama operating an interstate motor carrier service subject to regulation with the secretary of Transportation and the Federal Motor Carrier Safety Administration ("FMCSA") and has a USDOT number.
5. The aforesaid motor vehicle rear end collision was a direct result, or a direct contributing result, of the negligence of the Defendant Deodis Jones Jr. in the following respects:
  - a. Negligently failed to keep an open and careful lookout in time to slow, honk, stop, or swerve to prevent the aforesaid collision.
  - b. Negligently rear ended Plaintiff Elizabeth Garlington's vehicle.
  - c. Negligently exceeded the posted speed limit at or near the time of the collision.
  - d. Negligently operated his vehicle at an excessive speed under the circumstances including atmospheric fog and reduced visibility.
  - e. Negligently violated Chapter 49 CFR §392.14 of driving at an excessive speed and under the atmospheric conditions of reduced visibility and foggy conditions.
  - f. Negligently failed to timely sound a horn.
  - g. Negligently failed to swerve, slow, or stop before the aforesaid collision.

- h. Negligently failed to timely and to adequately have sufficient headlights and fog lights on.
  - i. Negligently operated his vehicle while using telecommunication equipment such as a cell phone, for viewing, talking, or texting.
  - j. Negligently operated his vehicle in violation of 49 CFR §392.14 by failing to discontinue the operation of his vehicle until his vehicle could be safely driven by not pulling over his vehicle and parking his vehicle since conditions were sufficiently dangerous by atmospheric conditions and fog that adversely affected visibility.
6. As a direct result, or a direct contributing result, of the aforesaid negligence in paragraph five (5) either separately for each subparagraph, or jointly, or in any combination, Plaintiff Elizabeth Garlington sustained injuries and damages in the following respects:
- a. Plaintiff Elizabeth Garlington sustained traumatic brain injury, post-concussion syndrome, diffuse axonal injury, structural brain injury and deterioration, personality change, post traumatic seizures, daily persistent headache, head, neck and back injuries, cervical radiculopathy, post traumatic arthritis that was caused or aggravated by the collision aforesaid, lumbar facet joint pain, displacement of lumbar intervertebral disc and lumbar radiculopathy, chronic headaches, fatigue, cognitive deficits, memory loss on an ongoing basis, psychological overlay, seizures, agraphia, post traumatic stress disorder, neck injury with pain and radiation down arms, lower back

injury with pain. Plaintiff Elizabeth Garlington requires medication for pain and seizures.

- b. Plaintiff Elizabeth Garlington will experience exacerbations and worsening of the conditions aforesaid over time. She will require multi-disciplinary therapy, maintenance treatment, medical monitoring and surveillance, and medical studies. Medications will be required to control pain and seizures. She will require specialty evaluations and follow up visits with pain management, neurology, psychiatry, neuropsychology and psychology. She will require supervision by a personal care attendant. She will need vocational rehabilitation services and case management for plan administration/coordination. Interventional and/or surgical management may be necessary in the future. Plaintiff Elizabeth Garlington has significant, multiple psychological disabilities with both emotional factors and a cognitive disability. She has chronic major depression, sever anxiety, social anxiety and post traumatic stress disorder. She will require cognitive remediation and brain injury rehabilitation. Her ability to work, labor, enjoy life and be active, drive a vehicle, and engage in normal life activities, has been damaged and impaired.
- c. The aforesaid injuries are permanent, disabling and continuing.
- d. Plaintiff has incurred
  - i. Past and will incur future medical care and treatment.
  - ii. Past and Future Medical bills and expenses.
  - iii. Past and future pain and suffering.

- iv. Past and future wage and economic loss.
  - v. Past and future economic loss including medical expenses, custodial medical care and expenses, and expenses required by a life care plan.
7. Plaintiff Elizabeth Garlington's damages are in excess of the Court's \$25,000 jurisdictional limit.

WHEREFORE, Plaintiff Elizabeth Garlington prays for Judgement against the Defendant Deodis Jones Jr. in money damages, for an amount that is fair and reasonable under the circumstances, and for whatever further relief that is deemed necessary, with costs expended herein.

## COUNT II

Comes now Plaintiff Elizabeth Garlington, by and through counsel, and for her care against Defendant ASF Intermodal, LLC, D/B/A ASF Intermodal, states as follows;

1. All the allegations contained in Count I, Paragraph 1 – 7, are incorporated by reference, as of fully, set out herein.
2. Defendant ASF Intermodal, LLC negligently failed to adequately train and supervise the Defendant Deodis Jones Jr. directly causing or directly contributing to cause Defendant Deodis Jones Jr.'s negligent acts and omissions as alleged in Count I.
3. Defendant ASF Intermodal, LLC, D/B/A ASF Intermodal, is an Alabama limited liability company, organized in the State of Alabama with capacity to sue or be sued.
4. Defendant ASF Intermodal is an interstate carrier.
5. Defendant ASF Intermodal, employed Defendant Deodis Jones Jr., as an agent, servant, and employee, at all times pertinent.

6. Defendant Deodis Jones Jr. acted at all times pertinent, and at the time of the vehicular collision with Plaintiff Elizabeth Garlington's vehicle as aforesaid, acted within the scope and course of his agency, servancy, and employment with Defendant ASF Intermodal, LLC.

WHEREFORE, Plaintiff Elizabeth Garlington prays for Judgement in money damages against Defendant ASF Intermodal, LLC., for an amount that is fair and reasonable under the circumstances, and for whatever further relief that is deemed necessary, with costs expended herein.

Respectfully Submitted,

Law Office of Philip C. Denton

/s/ Philip C. Denton

Philip C. Denton #32004  
The Law Office of Philip C. Denton  
60 Crestwood Executive Center  
Crestwood, MO 63126  
[PhilipDenton@att.net](mailto:PhilipDenton@att.net)  
314.436.2889  
314.270.9901 FAX

Lewis & Lewis

/s/ Josh Lewis

Josh Lewis  
Lewis and Lewis  
427 Chemin Metairie Road  
Youngsville, LA 70592  
[Joshua@jmlaw.com](mailto:Joshua@jmlaw.com)  
225.552.2057  
225.341.8162 FAX

*Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

COMES NOW The undersigned, and hereby certifies that a true and correct copy of the foregoing document was served this 29<sup>th</sup> day of April, 2021, by:

- ☐ Hand delivery;
- ☐ The Original Response Sent by United States mail, postage prepaid to
- ☐ Facsimile transmission (e-mail);
- ☒ Notice of Electronic Filing pursuant to Court Operating Rule 27.01, to:

/s/Philip C. Denton





# IN THE 30TH JUDICIAL CIRCUIT, WEBSTER COUNTY, MISSOURI

Judge or Division: MICHAEL O'BRIEN HENDRICKSON	Case Number: 21WE-CC00030
Plaintiff/Petitioner: ELIZABETH GARLINGTON	Plaintiff's/Petitioner's Attorney/Address: PHILIP CHARLES DENTON 60 Crestwood Executive Center CRESTWOOD, MO 63126
vs.	
Defendant/Respondent: DEODIS JONES JR	Court Address: 101 S. CRITTENDEN -RM 22 CIVIL 859-2006 CRIM 859-2041 MARSHFIELD, MO 65706
Nature of Suit: CC Pers Injury-Vehicular	


(Date File Stamp)

## Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

**The State of Missouri to:** DEODIS JONES JR  
Alias:

1407 GAIL LANE  
WEST MEMPHIS, AR 72301

**COURT SEAL OF**



**WEBSTER COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

5/5/2021

Date

/s/Vickie Reppogle Deputy Clerk  
Clerk

Further Information:

### Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - ☐ other: \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Subscribed and sworn to** before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

### Service Fees

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

See the following page for directions to officer making return on service of summons.

## Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.




# IN THE 30TH JUDICIAL CIRCUIT, WEBSTER COUNTY, MISSOURI

Judge or Division: MICHAEL O'BRIEN HENDRICKSON	Case Number: 21WE-CC00030
Plaintiff/Petitioner: ELIZABETH GARLINGTON	Plaintiff's/Petitioner's Attorney/Address: PHILIP CHARLES DENTON 60 Crestwood Executive Center CRESTWOOD, MO 63126
vs.	
Defendant/Respondent: DEODIS JONES JR	Court Address: 101 S. CRITTENDEN -RM 22 CIVIL 859-2006 CRIM 859-2041 MARSHFIELD, MO 65706
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

## Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

**The State of Missouri to:** ASF INTERMODAL, LLC.  
Alias:  
3812 SPRING HILL AVENUE  
REGISTERED AGENT: JOSEPH SMITH  
MOBILE, AL 36608

**COURT SEAL OF**  
  
**WEBSTER COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

5/5/2021 Date /s/Vickie Replogle Deputy Clerk Clerk

Further Information:

### Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - ☐ other: \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Subscribed and sworn to** before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

### Service Fees

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

See the following page for directions to officer making return on service of summons.

## Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.

IN THE CIRCUIT COURT OF WEBSTER COUNTY  
STATE OF MISSOURI

ELIZABETH GARLINGTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Cause No. 21WE-CC00030
	)	
DEODIS JONES Jr.	)	
Serve at:	)	
1407 Gail Ln.	)	
West Memphis, Arkansas 72301	)	
	)	
ASF INTERMODAL, LLC	)	
Serve at: Registered Agent and Office	)	
Joseph M. Smith	)	
3812 Spring Hill Avenue	)	
Mobile, Alabama 36608	)	
	)	
Defendants.	)	

**REQUEST FOR APPOINTMENT OF PROCESS SERVER**

ON APPLICATION, Plaintiff, Elizabeth Garlington, by and through counsel, PURSUANT TO Local Rule 43.01 (c ) requests the appointment of the Circuit Clerk of Daniel Webster at P.O. Box 1134; Theodore, AL 36590, a natural person of lawful age to serve the summons and petition in this cause on the below named parties.

ASF Intermodal, LLC at 3812 Spring Hill Avenue; Registered Agent Joseph Smith of Mobile, AL 36608.

This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

Respectfully Submitted,

Law Office of Philip C. Denton

/s/ Philip C. Denton

Philip C. Denton #32004  
The Law Office of Philip C. Denton  
60 Crestwood Executive Center  
Crestwood, MO 63126  
MO Bar# 32004  
[PhilipDenton@att.net](mailto:PhilipDenton@att.net)  
314.436.2889  
314.270.9901 FAX

Lewis & Lewis

/s/ Josh Lewis  
Josh Lewis  
Lewis and Lewis  
427 Chemin Metairie Road  
Youngsville, LA 70592  
[Joshua@jmlaw.com](mailto:Joshua@jmlaw.com)  
225.552.2057  
225.341.8162 FAX

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

COMES NOW The undersigned, and hereby certifies that a true and correct copy of the foregoing document was served this 5<sup>th</sup> day of May, 2021, by:

- \_\_\_\_\_ Hand delivery;
- \_\_\_\_\_ The Original Response Sent by United States mail, postage prepaid to
- \_\_\_\_\_ Facsimile transmission (e-mail);
- x   Notice of Electronic Filing pursuant to Court Operating Rule 27.01, to:

/s/Philip C. Denton

IN THE CIRCUIT COURT OF WEBSTER COUNTY  
STATE OF MISSOURI

ELIZABETH GARLINGTON,

Plaintiff,

vs.

DEODIS JONES Jr.

&

ASF INTERMODAL, LLC

Defendants.

Cause No. 21 WE-CC00030

**ORDER**

Plaintiff's application for appointment of a special process server for the service of process on Defendant, ASF Intermodal, LLC., is hereby granted. Daniel Webster is hereby appointed special process server as requested by Plaintiff.

5/19/21

(Date)



Judge Michael O'Brien Hendrickson

